

Exhibit 18

Filed Under Seal

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Defendant.)

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1 help.

(Exhibit PX318 was marked for
identification.)

Q. BY MR. JACOBS: I promised you I didn't like
trick questions, but I do have a document that I think
will help us on the timeline, and that's this next email,
July 24th, 2006. So take a look at that for a minute.

13:45:07

A. Okay.
Okay.

Q. So you write, I think this is you, "Actually,
it's a clean room implementation we're buying. Anyone
with specific knowledge, those from Sun, are tainted and
would be bad. I interviewed Lars, and I think he's
great, but sadly not for this project. We were in
discussions for eight months with Sun, walked away and
must prove that our internal effort is clean."

13:45:49

Do you see that?

A. Uh-huh.

Q. So this -- first of all, it reinforces your
earlier testimony that by this time at least this last
round of negotiations with Sun had ended; correct?

13:46:26

A. Uh-huh.

Q. And you characterize it as Google walking
away; right?

A. Yes.

13:46:36

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Q. And then you say, "We're going to --
ultimately, we're going to have to prove that our
implementation is clean," so you're now on the clean room
path; right?

A. That's right. So the hedge is now the first
effort.

13:46:44

Q. Then you go on to say, "Also, because we were
in discussion for so long, we must inquire an existing
implementation. We ship in six months."

Do you see that?

13:46:56

A. Yep.

Q. So, actually, it looks like you were thinking
of trying to ship in December of 2006; right?

A. I was under incredible schedule pressure, and
as I mentioned before, anything that we acquired or
whether we partnered with Sun and acquired their
technology, it would have improved our schedule.

13:47:06

Q. So -- but this is talking about Skelmir now;
right?

A. Yep.

13:47:26

Q. The deadline you were talking about, the
December 2006 deadline, you said, "I was under incredible
schedule pressure."

A. Yep.

Q. What did you mean by that?

13:47:34

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A. Well, look, I mean, you have a window of
opportunity in smartphones. I had competitors all over
the place. When I started the company, Microsoft was my
competitor. You know, there was Symbian in there as
well, and, you know, all sorts of Linux initiatives. You
have to ship as soon as feasibly possible.

13:47:44

I mean, you go to extraordinary lengths to
ship sooner, because it's a very dynamic market. And it
could shift directions at any time. Right. So my job
as, you know, the architect of this business concept was
to just do everything that I possibly could to get my
solution to the market in the shortest time possible.

13:48:00

Q. And Urs is kind of being a little cautionary
there; right? He's says, "Wow. I totally understand
your first point, but your second is uninspiring, ie,
scary. That is not a good reason to acquire a company,
because there's no correlation between shipping soon and
acquiring a company if you don't do due diligence. We
have lots of other untainted engineers."

13:48:16

So he's cautioning you that be careful about
this aggressive schedule --

13:48:28

A. I'm saying --

MS. ANDERSON: Wow. Finish your question.

Q. BY MR. JACOBS: He's cautioning you about
this aggressive schedule in that it might lead you to

13:48:40

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make a mistake; right?

MS. ANDERSON: Objection. Form.

THE WITNESS: I don't think he's cautioning
me about schedule. He's taking issue with my second
point. And, honestly, if my first point is proposing an
acquisition, my second -- and the second point is get
approval, I mean what point is he commenting on? I don't
know. Let me see.

13:48:49

So, yeah. I don't know what he's -- he's
commenting -- it's pretty obvious he's commenting on time
frame. I just don't see my point that he was referring
to. But that's okay. We can -- we can take it at face
value.

13:49:19

Q. BY MR. JACOBS: So you write, "We haven't
done the due diligence yet," at the top of the string.
Do you see that?

13:49:33

A. Yes.

Q. And so did you ever get to the stage where
you had a term sheet and then were doing due diligence in
the sequence that you outlined?

13:49:42

A. I don't recall. We had several meetings, and
we did some evaluation of their technology. But I was
also a little worried -- I didn't want to learn too much
about their technology, and I needed to separate the
teams, because we were building a clean room, and I

13:49:54

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